

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, May 14, 2015**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Paul Alpert, Janet Carter Bernardo, Stephen Farr, Peter Oehlkers, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Stephen Bordeau, Kevin Doherty, Stephanie Hanson, Joel Kent, Quinn Lyzon, Ardi Rrapi, Diane Simonelli,

P. Alpert opened the public meeting at 7:37 pm.

MISCELLANEOUS BUSINESS

MINUTES

Motion to approve the minutes of April 9, 2015, as amended, by S. Soltzberg, seconded by P. Oehlkers, approved 3-0-2, J. Carter Bernardo and Stephen Farr abstained.

Motion to approve the minutes of April 23, 2015, as amended, by P. Oehlkers, seconded by S. Farr, approved 3-0-2, J. Carter Bernardo and S. Soltzberg abstained.

ENFORCEMENT & VIOLATION UPDATES

1 ELIZABETH CIRCLE

M. Varrell stated that the required after-the-fact Notice of Intent submittal had not been received from the owner by the deadline earlier in the day. He noted that the owner had filed with the Zoning Board of Appeals regarding approval for a three bay garage. The Zoning Board of Appeals is aware of the Conservation Commission requirements.

The Commission discussed the violations that had taken place on the property within the 200-foot Riverfront Area. The violations included the removal of nine (9) trees; work without erosion and sediment controls installed; stockpiling in the Riverfront Area and unauthorized removal of vegetation in the 200-foot Riverfront Area. The number of violations is 12 at a rate of \$300.00 per violation. The total fine for the violations is \$3,600.

Motion to issue a fine in the amount of \$3,600 to Jeff Birnbaum for 12 violations in the 200-foot Riverfront Area to Rosemary Brook at 1 Elizabeth Circle by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.

24 BROOKSIDE ROAD

M. Varrell reported that the Department is still awaiting the after-the-fact Request for Determination of Applicability submittal from the owner. A “reminder” letter will be sent to the owner.

HEARINGS

86 PILGRIM ROAD – *continued* NOTICE OF INTENT (DEP FILE #234-734)

Applicant: Joel Kent

Project: The proposed project consists of the construction of a 1,200 square foot addition and 112 square foot deck to an existing single-family residence within the 100-foot Buffer Zone to Bordering Vegetated Wetlands and Inland Bank. Portions of the proposed project are located in the 25-foot Buffer Zone. Installation of mitigation plantings are proposed.

Present for the Applicant: Joel Kent, Stephanie Hanson of CEI, and Kevin Doherty of Knoll Environmental

Supporting Documents include:

- WPA Form 3 – Notice of Intent and supporting documents received April 9, 2015
- Needham Wetlands Protection Bylaw Application for Permit received April 9, 2015
- Plan entitled: “Site Plan, 86 Pilgrim Road, Needham, MA.”, prepared by H. S. & T. Group, Inc., stamped and signed by Hossein Haghanizadeh, P.E. No. 42529 and Daniel Tivnan, P.L.S. No. 40047, dated 5/4/2015.
- Documents titled “86 Pilgrim Road, NOI Submittal – Additional Information”, dated May 5, 2015.
- Planting Plan, received May 14, 2015.

P. Alpert opened the public meeting at 7:48 p.m. K. Doherty and S. Hanson represented the Applicant and presented the proposed project.

- K. Doherty stated the proposed project consists of an addition to a single-family home.
- J. Kent explained the reason for the addition is to make room for his mother-in-law who has some health and mobility issues.
- When asked why the addition could not be constructed on the opposite side of the house away from the wetlands, Mr. Kent replied that zoning setbacks would be prohibitive.
- J. Carter Bernardo asked about the proposed mitigation planting plan. K. Doherty stated the plantings would enhance the existing vegetation in the disturbed wetland. Some of the plantings proposed include: gray dogwood; red-osier dogwood; winterberry; sweet pepperbush; American cranberrybush; highbush blueberry and lowbush blueberry. While no trees are proposed for removal, there are several invasive Norway maples. S. Soltzberg expressed concern that Norway maple trees and saplings would compete with the shrubs proposed to be planted and prevent them from growing. S. Hanson stated they could remove some of the Norway maples but would not want to remove too many as to de-stabilize the area.
- The Applicant asked what additional information the Commission needed. The Commission stated they required the following:
 - One inch runoff calculations pertaining to proposed infiltration.
 - Alternatives analysis showing why the addition can't be installed in the area of the deck.
 - A construction drawing of the proposed wall.

Comments from the Commission:

- J. Carter Bernardo asked for a description of the proposed drywell. K. Doherty explained there is an existing drywell that was installed in 2001. They plan to put a properly constructed drywell in the same location. J. Carter Bernardo wants calculations that show the drywell will function properly and wants roof runoff to be infiltrated.
- P. Oehlkers asked if the proposed work would take place on existing lawn. M. Varrell asked the Applicant how they intend to build the foundation so close to the wetland without impacting it. K. Doherty stated they would use sheet-piling to minimize disturbance. M. Varrell responded that the

application would need to include a detailed description of any proposed sheet-piling or other construction methods.

- P. Alpert stated that the Waiver Request submittal for work in the 25-foot Buffer Zone is not complete or in the proper format. The Applicant explained that they would be requesting a Waiver due to severe economic hardship. It will cost less money to build an addition than to pay to put his mother-in-law in a nursing home. P. Alpert stated that the Commission accepts the economic hardship rationale but requires the request to be in writing using the proper format.
- The Commission discussed continuing the hearing for a site visit and to review new information received. A site visit was scheduled for May 17th @ 9:00 a.m.

Comments from the public:

None

Motion to continue the public hearing for 86 PILGRIM ROAD (DEP File #234-734) for the submittal of a formal Waiver Request, a site visit by the Commission, submission of construction details of the sheet-piling and drainage calculations to May 28, 2015 at 8:00 p.m. by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.

91 STRATFORD ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant: Karen Lyzun

Project: Demolition of an existing sunroom and construction of an addition to a single-family home. The project will result in an increase of 52 square feet within the 100-foot Buffer Zone. All work is proposed to occur within existing disturbed areas or lawn.

Present for the Applicant: Owner, Quinn Lyzun and his representative Diane Simonelli of Field Resources, Inc.

Supporting Documents include:

- Request for Determination of Applicability and supporting documents for 91 Stratford Road received April 30, 2015.
- **Plan entitled: “Conservation Plan for Determination of Applicability, 91 Stratford Road, Needham, Mass.”, prepared by Field Resources, Inc., dated April 28, 2015 (revised May 7, 2015).**

P. Alpert opened the public meeting at 8:35 p.m. D. Simonelli represented the Applicant and reviewed the proposed project.

- D. Simonelli described the wetland resources located on and adjacent to the site. The wetland was delineated in 2013 by EcoTec for a different project and the flags that could be located were shown on the plan. Several flags that could not be found until after the snow melted and are shown on the revised plan. The revisions to the wetlands line resulted in 66 s.f. of additional impervious area within the Buffer Zone instead of the 52 s.f. stated in the narrative. The remaining work would take place where there is an existing sunroom.
- A foundation will be installed but only minor excavation below existing grade will be necessary.
- The stockpile area will be located to the left of the existing house.

- The deck will be enlarged calling for additional sonatube installation but work is outside the Commission's jurisdiction.

Comments from the Commission:

- J. Carter Bernardo asked why the proposed erosion controls were located so far away from the proposed project. D. Simonelli replied the distance was only to allow for the work. J. Carter Bernardo asked that the erosion control line location be revised to be on the work side of the playground area. D. Simonelli replied that it could be adjusted.
- P. Alpert asked if the Commission was okay with the proposed stockpile location or should they require the Applicant to move it outside the 100-foot Buffer Zone. The Commission had no issues.
- An existing fence will be removed for access during construction and then replaced.

Comments from the public:

None

Motion to close the public hearing for 91 STRATFORD ROAD by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.

Motion to issue a Negative Determination of Applicability (with re-location of erosion controls as discussed) by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.

1302 SOUTH STREET – REQUEST FOR AN AMENDED ORDER OF CONDITIONS (DEP File #234-627)

Applicant: Rebecca Coll

Project: The after-the-fact Amendment Request is related to the paving of the existing gravel driveway, installation of pavers where the garage formerly existed, and associated mitigation for work within the 25-foot Buffer Zone.

Original Project: Remove an existing garage, pump and fill two cesspools, construct an addition to the house, remove a 14" dbh white Pine (*Pinus strobus*) tree, build three new retaining walls and expand the existing gravel driveway. All of the proposed work is within 25 feet of a Bordering Vegetated Wetland with the exception of the addition, which at its closest point to the wetland is 64 feet away.

Present for the Applicant: Ardi Rrapi of Cheney Engineering, Inc.

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents, received September 8, 2011
- ❑ Needham General Wetlands Protection Bylaw Application for a Permit, received September 8, 2011
- ❑ Plan entitled: "Septic Plan, 1302 South Street, Needham, Massachusetts", prepared and stamped by Howard L. Millard, P.E. No. 7053, dated August 28, 2011, revised September 7, 2011
- ❑ Letter from Cheney Engineering Co., Inc. dated September 14, 2011 requesting a waiver from the 25-foot "No Disturb" Bylaw Regulations.
- ❑ Letter from Cheney Engineering Co., Inc. seeking a waiver of the \$1,000 Needham Wetlands Protection Bylaw Regulation waiver request fee dated September 14, 2011.
- ❑ Letter from Cheney Engineering Co., Inc. requesting an amendment to the Order of Conditions, dated April 27, 2015.

- ❑ Plan entitled: “Conservation Commission “As-Built” Plan #1302 South Street”, prepared by Cheney Engineering Co. Inc., signed and stamped by Elliot J. Paturzo, P.L.S. #34623, dated April 27, 2015

P. Alpert opened the public hearing at 8:45 p.m. A. Rrapi represented the Applicant and reviewed the proposed amendment request.

- A project in 2011 was permitted by the Commission for the removal of an existing garage, pump and fill two cesspools, construct an addition to the house, remove a pine tree, build three (3) new retaining walls and expand the existing gravel driveway.
- The work is complete and the owners are selling the property and hope to close out the Permit. A deviation from the proposed plan was that the owners paved the existing driveway area instead of leaving it gravel. The driveway was not expanded as approved under the Order.
- The existing garage was permitted to be removed and the intention was to leave the area gravel but pavers were installed instead within the 25-foot Buffer Zone.
- A retaining wall that had been approved will no longer be installed.
- The propane tank had to be relocated to the back from near the bulkhead.
- To mitigate for the pavers installed in the 25-foot Buffer Zone, the applicant proposes to install 6-8 blueberry shrubs in the area impacted. A landscaper will sign a contract to maintain the shrubs for two years and replace any that die in that period.

Comments from the Commission:

- M. Varrell stated they had not received the filing fee for the submittal or the Waiver Request.
- P. Alpert stated he was questioning the need for a Waiver Request for the installation of the pavers in the 25-foot Buffer Zone instead of the gravel that was approved. He stated the original Waiver Request should cover the paver installation.
- S. Soltzberg asked for clarification where the water flows off the property. The Applicant described the flow of water from the site.

Comments from the Public:

None

Motion to close the public hearing for 1302 SOUTH STREET (DEP FILE #234-627) by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.

Motion to issue an Amended of the Order of Conditions for 1302 SOUTH STREET (DEP FILE #234-627) by J. Carter Bernardo, seconded by S. Soltzberg, approved 5-0-0

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – 68 SYLVAN ROAD (DEP FILE #234-649)

The homeowner, Stephen Bourdeau was present. J. Carter Bernardo questioned the deviation noted regarding the length of the trench drain. M. Varrell stated the drain was supposed to be 20-feet long but was constructed at 10-feet long. M. Varrell explained that from a project perspective there were a few minor deviations. The plantings appeared healthy. The only issue that was noted during the site inspection was the deposition of landscape debris in the wetland. S. Bourdeau stated the pile was there when he purchased the property but he admitted adding to it. He is getting an estimate to have it removed.

M. Varrell suggested the Commission vote to issue the Certificate of Compliance but have M. Varrell hold the Certificate until the landscape debris is removed.

Motion to issue a Certificate of Compliance (TO BE HELD UNTIL LANDSCAPE DEBRIS IS REMOVED) for 68 SYLVAN ROAD (DEP FILE #234-649) by S. Soltzberg, seconded by P. Oehlkers, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 104 ELDER ROAD (DEP FILE #234-705)

M. Varrell stated the project was in good shape. The replacement trees were not located in the exact proposed locations but appeared healthy and stable. The erosion controls were previously permitted to be removed. M. Varrell had given the applicant permission to remove the fence but asked that they explain to the new homeowner that the existing lawn can not be extended. S. Farr asked M. Varrell if the Commission would require permanent markers to be installed in this instance. S. Farr noted that a portion of the existing lawn already encroaches in the 25-foot Buffer Zone. The Commission determined the permanent bounds would not have been required as there was a fence in place. M. Varrell stated the fence had been along the limit of lawn.

Motion to issue a Certificate of Compliance for 104 ELDER ROAD (DEP FILE #234-705) by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.

MACC EROSION & SEDIMENTATION CLASS

M. Varrell informed the Commission that the Massachusetts Association of Conservation Commissions is holding a free Sedimentation & Erosion class for Conservation Commissions. If anyone is interested, the information is in their packets and M. Varrell can assist in the signup.

564 CENTRAL AVENUE – ENFORCEMENT ORDER DISCUSSION

D. Anderson stated that she had been approached by the homeowner who is in the process of selling her home. She had recently found out that she had two expired Orders of Conditions for work on the property that she will need to close out with Certificates of Compliance. The approved plans show the installation of two drywells in addition to other work. The homeowner never installed the drywells but completed all of the other work. The owner will be closing on the sale shortly and does not have the time to file for a new permit to install the drywells. M. Varrell and D. Anderson thought the work could be approved through an Enforcement Order requiring the Applicant to complete the work approved in the expired Order of Conditions.

Motion to issue an Enforcement Order requiring the completion of the drywell installation at 564 CENTRAL AVENUE by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0

Motion to adjourn the meeting by J. Carter Bernardo, seconded by S. Farr, approved 5-0-0.

The meeting was adjourned at 9:30 pm.

NEXT PUBLIC HEARING

Thursday, May 28, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.